



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,717	12/20/2001	Scott R. Boerke	01-440	9749
719	7590	06/08/2007		
Caterpillar Inc. Intellectual Property Dept. AB 6490 100 N.E. Adams Street PEORIA, IL 61629-6490			EXAMINER JARRETT, SCOTT L	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 06/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/027,717	<b>Applicant(s)</b> BOERKE ET AL.	
	<b>Examiner</b> Scott L. Jarrett	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35,39 and 42-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35,39 and 42-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Non-Final Office Action is responsive to Applicant's amendment filed March 28, 2007. Applicant's amendment amended claims 1-35, 39 and 42-55, canceled claims 36-38 and 40-42 and added new claims 56-60. Currently claims 1-35, 39 and 42-60 are pending.

#### ***Response to Amendment***

2. The Objection to the Title is withdrawn in response to the Applicant's amendment to the Title.

The Objection of Claims 1-49 is withdrawn in response to Applicant's amendments to claims 1-35, 39 and 42-49 and cancellation of claims 36-38 and 40-42.

The 35 U.S.C. 112(2) rejection of claims 21-22 and 48-49 is withdrawn in response to Applicant's amendments to claims 21-22 and 48-49.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-35, 39 and 42-60 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 12 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 10, Claim 10 recites the limitation "by each worker" in Claim 9. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read "by the at least one worker" for the purposes of examination.

Regarding Claim 12, Claim 12 recites the limitation "by each worker" in Claim 9. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read "by the at least one worker" for the purposes of examination.

Regarding Claim 35, Claim 35 recites the limitation "by each worker" in Claims 26. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claims to read "by the at least one worker" for the purposes of examination.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-35, 39 and 42-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maskell, Brian, Performance Measurement for World Class Manufacturing (1991) in view of Kyados, Will, Operational Performance Measurement (1999).

Regarding Claims 1, 5, 8, 19, 21, 26, 28, 29, 30, 42-43, 48, 50 and 56 Maksell teaches a method for tracking progress by at least one work on a task over a period of time, the task including a plurality of subtasks comprising:

- dividing the period of time into a plurality of time slots (windows, intervals, years, months, weeks, days, hours, minutes, etc.; (Figures 4-2, 4-3, 4-14, 5-6);
- determining a target (goal, objective, etc.) number of subtasks to be completed during each time slot (Pages 99, 129, 131; Figures 4-1, 4-2, 4-3, 4-7, 4-8, 4-9, 4-11, 4-14, 5-3, 5-9);
- tracking an actual number of subtasks (tasks, activities, work, units, tracks, steps, stages, operations, etc..) completed by the at least one worker in each time slot (Paragraph 4, Page 35; Paragraphs 1-3, Page 77; Paragraphs 1-2, Page 95;

Paragraphs 1-3, Page 97; Pages 99, 101; Figures 4-1, 4-2, 4-3, 4-7, 4-8, 4-9, 4-11, 4-14);

- (temporarily) recording a variance (difference) between the actual and target number of subtasks for each time slot (Paragraph 4, Page 35; Paragraphs 1-3, Page 77; Paragraphs 1-2, Page 95; Paragraphs 1-3, Page 97; Pages 99, 101; Figures 4-1, 4-2, 4-3, 4-7, 4-8, 4-9, 4-11, 4-14);

- (temporarily) recoding an accumulated (cumulative, running total, to-date/time, etc.; period-to-date, year-to-date) variance with each time slot (Paragraph 4, Page 35; Paragraphs 1-3, Page 77; Paragraphs 1-2, Page 95; Paragraphs 1-3, Page 97; Pages 99, 101; Figures 4-1, 4-2, 4-3, 4-7, 4-8, 4-9, 4-11, 4-14);

- (temporarily) recording a total variance for the predetermined period of time (Paragraph 4, Page 35; Paragraphs 1-3, Page 77; Paragraphs 1-2, Page 95; Paragraphs 1-3, Page 97; Pages 99, 101; Figures 4-2, 4-3, 4-7, 4-8, 4-9, 4-11, 4-14);

- selecting (entering, inputting, providing) at least one reason for the variance between the actual and target number of subtasks when the variance is a nonzero number (i.e. providing a variance card, log, chart, spreadsheet, form, etc.; Last paragraph, Page 34; Paragraphs 1-3, Page 35; Paragraph 1, Page 36; Last Paragraph, Page 75).

- modifying the target number of subtasks to be completed during at least one timeslot as a function of the total variance (statistical process control, continuous improvement; Last Paragraph, Page 33; Paragraphs 2-3, Page 35; Paragraph 1, Page 87).

Maskell further teaches a method for tracking progress on a task further comprising recording a reason for a variance between the actual/target number of subtasks completed when the variance is a nonzero number (i.e. when there is a variance) and recording the reason with the total variance (cause/reason; Last Paragraph, Page 34; Paragraphs 1-3, Page 35; Paragraph 1, Page 36; Last Paragraph, Page 75) for the purposes of determining and analyzing factors that effect the process, for example identifying the root cause of process/production deviations in order to improve the process/worker productivity (Paragraphs 2-3, Page 35; Paragraph 1, Page 36; Paragraphs 1-3, Page 37).

Maskell teaches a method for tracking progress on a task wherein the variances are temporarily recorded (Page 33; Paragraphs 1-3, Page 35; Last Paragraph, Page 36; Paragraphs 1-3, Page 37; Last Paragraph, Page 76; Paragraphs 1-3, Page 77; Paragraph 3, Page 99; Last Paragraph, Page 101; Figures 4-2, 4-3, 4-7, 4-8, 4-9, 4-11, 4-14).

Maskell teaches a method for tracking progress on a task wherein the target number of subtasks to be completed during each timeslot is modified as a function of the recorded total variances and the reason for the variance (fishbone diagram, SPC, continuous improvement, etc.; Paragraphs 1-2, Page 35; Paragraphs 2-3, Page 36; Paragraphs 1-3, Page 37).

While Maskell teaches providing a variance card (direct reporting, direct display, feedback, etc.; Page 33; Paragraphs 1-3, Page 35; Last Paragraph, Page 36;

Paragraphs 1-3, Page 37; Last Paragraph, Page 76; Paragraphs 1-3, Page 77; Paragraph 3, Page 99; Last Paragraph, Page 101) for the purposes of motivating workers to improve their performance (productivity) through well known performance/productivity monitoring and feedback techniques (Paragraph 2, Page 33) Maskell does not expressly teach providing/displaying a variance card, which includes a plurality of *predetermined* reasons or subsequently selecting one of the predetermined reasons to record the reason for the variance as claimed.

Kaydos teaches providing/displaying a variance card (log, form, spreadsheet, template, worksheet, etc.) that includes a plurality of predetermined reasons for the variance between the actual and target number of subtasks/tasks to be completed during a time slot and selecting at least one among the plurality of predetermined reasons for the variance (quality survey, job problem log, log sheet, quality forms, codes; Numbers 6-8, Page 80; Last Paragraph, Page 81; Figure 5-8, Page 79; Figure 5-9, Page 81; Numbers 3-4, Page 100; Paragraphs 2-4, Page 101; Paragraphs 3-8, Page 178; Last Paragraph, Page 179; Figure B-2, Page 179; Numbers 1-3, Last Paragraph, page 180; Figure B-3, Page 181; Figure B-4, Page 182; Figure B-5, Page 185) in an analogous art of tracking worker progress on one or more tasks (Last Paragraph, Page 85; Paragraph 1, Page 86; for the purposes of making the recording of the variance/reasons for variance (survey) more effective by providing examples of what should be reported (Last Paragraph, Page 81; Paragraphs 2-3, Page 101; Paragraph 2, Page 106; Paragraphs 3-8, Page 178).



More generally Kaydos teaches a method for tracking progress by one or a plurality of workers on a plurality of tasks having a plurality of subtasks comprising:

- recording and comparing actual work completed against targets/forecasts/performance goals (Paragraph 3, Page 136; Figure 81-, Page 141; Figure 8-3, Page 146; Paragraphs 3-5, Page 148);
- analyzing task/subtask variances (problem logs, quality surveys) to identify root causes and change processes to fix/overcome problems (Paragraphs 3-4, Page 108; Paragraph 3, Page 137; Figure B-7, Page 188);
- providing/displaying analyzed and identified reasons for variances (Last Paragraph, page 184; Figure B-5, Page 185; Paragraph 2, Page 187; Table on Page 187; Figure B-6, Page 186).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for tracking at least one workers progress on a task over a period of time as taught by Maksell with its ability to record the reasons for variances between actual and target worker progress would have benefited from providing a variance card having predetermined reasons for the variance and selecting at least one of the reasons for the variance in view of the teachings of Kaydos; the resultant method making the recording of the variance/reasons for variance (survey) more effective by providing examples of what should be reported (Kaydos: Last Paragraph, Page 81; Paragraphs 2-3, Page 101; Paragraph 2, Page 106; Paragraphs 3-8, Page 178).

Regarding Claims 2-3 and 27 Maskell teaches a method for tracking progress on a task wherein the period of time is predetermined and/or varies (Paragraph 1, Page 33; Paragraphs 1-2, Page 37; Last Paragraph, Page 101).

Regarding Claims 4, 20, 49 and 52 Maskell teaches a method for tracking progress on a task further comprising recording the total variance for the period of time without reference to the at least one worker (Paragraph 2, Page 37; Bullet 4, Page 78; Figure 4-14).

Regarding Claims 6-7 and 31 Maskell teaches a method for tracking progress on a task wherein the variances (total, accumulated, etc.) between the actual and target number of tasks to be completed is temporarily recorded, recorded in a log (paper, book, record, chart, program, etc.) and includes a plurality of period of time (Page 33; Paragraphs 1-3, Page 35; Last Paragraph, Page 36; Paragraphs 1-3, Page 37; Last Paragraph, Page 76; Paragraphs 1-3, Page 77; Paragraph 3, Page 99; Last Paragraph, Page 101; Figures 4-2, 4-3, 4-7, 4-8, 4-9, 4-11, 4-14).

Regarding Claims 9-11, 13-18, 32-34 and 39 Maskell teaches a method for tracking progress on a task wherein the writeable medium includes locations for entry of the actual number of subtasks completed by each worker, the variance between the actual/target numbers and the accumulated variance in each time slot (Page 33; Paragraphs 1-3, Page 35; Last Paragraph, Page 36; Paragraphs 1-3, Page 37; Last

Paragraph, Page 76; Paragraphs 1-3, Page 77; Paragraph 3, Page 99; Last Paragraph, Page 101).

Maskell further teaches a method for tracking progress on a task wherein the timeslots and total variance are illustrated on a writeable medium including erasable medium, chalkboard, white board, piece of paper or computer spreadsheet (direct display methods, direct reporting; boards, charts, signals, graphs, chalkboards, electronic display screens, etc.; Page 33; Paragraphs 1-3, Page 35; Last Paragraph, Page 36; Paragraphs 1-3, Page 37; Last Paragraph, Page 76; Paragraphs 1-3, Page 77; Paragraph 3, Page 99; Last Paragraph, Page 101).

Maskell teaches a method for tracking progress further comprising recording a total variance for the time period and reason for the variance on a writeable medium (Last Paragraph, Page 34; Paragraphs 1-3, Page 35; Paragraph 1, Page 36; Last Paragraph, Page 75).

Regarding Claims 12 and 35 Maskell teaches a method for tracking progress on a task wherein the actual number of subtasks completed in each time slot is performed by the at least one worker (Last Paragraph, Page 101; Page 129; Figures Figure 4-5, 5-3).

Regarding Claims 22 and 44 Maskell teaches associating comments (notes, suggestions, etc.) with analyzed variances (fishbone diagramming, resolutions/solutions, issues, etc.; Paragraphs 1-2, Page 35).

Regarding Claims 23-24 Maskell teaches planning a number of workers for at least a portion of the period of time based on the number of tracks (subtasks, tasks, steps, etc.) in a workflow based on the target number and reallocating a worker based on the planned number of workers (Paragraph 3, Page 85).

Regarding Claims 25 and 47 Maskell teaches a method for tracking progress on a task further comprising providing diagnostics on the completion of the task (Page 33; Paragraphs 1-3, Page 35; Last Paragraph, Page 36; Paragraphs 1-3, Page 37; Last Paragraph, Page 76; Paragraphs 1-3, Page 77; Paragraph 3, Page 99; Last Paragraph, Page 101).

Regarding Claim 45-46 Maskell teaches a method for tracking progress on a task further comprising planning a number of workers for at least a portion of the period of time based on the number of tracks (subtasks, tasks, steps, etc.) in a workflow based on the target number and reallocating a worker based on the planned number of workers (Paragraph 3, Page 85).

Regarding Claims 51 and 55 Maskell teaches a method for tracking progress on a task further comprising modifying at least one process in response the variance (Paragraphs 2-3, Page 25; Paragraphs 1-3, Page 37).

Regarding Claim 53 Maskell teaches a method for tracking progress on a task further comprises analyzing the variance (Page 33; Paragraphs 2-3, Page 35; Paragraph 1, Page 36; Paragraphs 1-3, Page 37; Last Paragraph, Page 75; Paragraph 1, Page 87; Page 95; Figures 4-3, 4-6, 4-9, 5-3, 5-6).

Regarding Claim 54 Maskell teaches a method for tracking progress on a task further comprising taking an action in response to the analysis of the variance (Paragraphs 2-3, Page 35; Paragraphs 1-3, Page 37).

Regarding Claims 57-58 Maskell teaches a method for tracking progress on a task a duration of each time slot is by shift, week, day, month, year and the like, as discussed above.

Maskell does not expressly teach that the time slot duration is less than two hours as claimed.

Official notice is taken that tracking progress on a task during a plurality of time slots (intervals, periods, windows, etc.) wherein the duration of the time slot is less than two hours is old and very well known wherein it is common practice, for example, for businesses to track the amount of work employees complete each hour (task/hour, labor productivity rate, takt time, etc.) during a typically 8 hour shift, wherein such

measures provide a general idea of the rate at which tasks/subtasks are completed by workers.

It would have been obvious to one skilled in the art at the time of the invention that the method for tracking progress on a task by a worker over a period of time as taught by Maskell would have benefited from utilizing any number of time slot durations including but not limited to durations less than two hours in view of the teachings of official notice.

Further it is noted that the exact duration of each time slot merely represents non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific duration of each time slot. Further, the structural elements remain the same regardless of the specific duration of each time slot. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claims 59-60 Maskell teaches a method for tracking progress on a task wherein the at least one worker includes a plurality of workers and the method further comprises recording an actual number of subtasks completed by each one of the

Art Unit: 3623

plurality of workers in each time slot (Paragraph 4, Page 35; Paragraphs 1-3, Page 77; Paragraphs 1-2, Page 95; Paragraphs 1-3, Page 97; Pages 99, 101; Figures 4-1, 4-2, 4-3, 4-7, 4-8, 4-9, 4-11, 4-14).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Chacon, U.S. Patent No. 6,128,588, teach a system and method for tracking progress of at least one work on a task over a period of time comprising tracking and comparing the actual amount of time/number of tasks (operations) completed by the at least one worker during a period of time, less than two hours, to a targeted (goal) amount of time/number of tasks/rate of tasks to be completed during each period of time



(takt time, lap time) wherein the time/number of tasks completed is recorded in a log (Kanban worksheets).

- Newmark, U.S. Patent No. 6,631,305, teach a system and method for tracking the progress on a task by at least one work comprising tracking and comparing the actual and target amount of time (takt time, number of operations/hour/unit time), conduction analysis on variations in the time/progress, and improving/changing the process (tasks, subtasks) based at least in part on the variation analysis.

- Chacon, U.S. Patent No. 7,020,594, teach a system and method for tracking the progress of a plurality of workers wherein the system/method tracks cumulative progress.

- Ishii, U.S. Patent Publication No. 2004/0167652, teach a system and method for tracking one or more workers progress on a plurality of tasks having a plurality of subtasks.

- Perkins, Variance by Cause Analysis (1978, teaches the old and well known utilization of tracking progress of a plurality of workers on a tasks having a plurality of subtasks (production lines) wherein variances/differences between the actual and a target (standard) number of tasks performed are "reported weekly and *accumulated* by quarter and year" (emphasis added).

- Konovalova, Model of operational planning in an automatic system of operational control (1979), teach the well known tracking and displaying of workers actual and target (required) work progress including "showing productivity and utilization as *running figures* over the plan period" (emphasis added, i.e. accumulated values).

- Kennedy, Mixes in Variance Analysis (1982), teach the well known utilization of identifying and analyzing variances/differences in standard and actual values in order to determine the causes of those variances/differences.

- Crawford, An analysis of performance measurement systems in selected just-in-time operations (1988), teaches the well known utilization of performance measurement systems/method in JIT operations.

- Gray, An Integrated Methodology for Dynamic Labor Productivity Standards, Performance Control, And System Audit in Warehouse Operations (1992), teach the well known utilization of productivity (performance) monitoring systems and methods as well as the well known utilization of control charts for displaying things such as labor productivity (units/cases per hour) wherein changes (variances) in labor productivity "should be identifiable to assignable changes in conditions."

- Grant et al., Computerized Performance Monitors as Multidimensional Systems (1996), teach the well known utilization of performance measurement/monitoring systems and methods wherein these systems/methods track/monitor actual and targeted performance measurements in order to do such things as improve the process and/or provide feedback to process participants (workers).

- Internally developed production monitors smooth rates at Korry Electronics (1999), teaches a system and method for tracking and visually displaying actual, target and differences/variances in the number of tasks (products) to be completed during a period of time wherein "The monitor logs completion times and lets managers *chart cumulative production against the goal throughout the day*" (emphasis added).


- Ramsey, Diagnostic Variance Analysis (1999), teaches a method for tracking and analyzing variances between actual and targeted performance measurements for the purposes of identifying the cause of the variance and improvement initiatives.

- Lipovich, Performance Assurance (1994), teaches a performance measurement system and method for monitoring daily performance, tracking long-term performance and utilizing "graphics and pattern recognition to identify recurring problems that require further attention."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Scott Jarrett  
Asst. Examiner  
June 5, 2007